Muslim World League's Conference on

Moonsighting & its Conclusions

By Muftī Taqī al-'Uthmānī

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The issue of moonsighting, especially in those countries where there is no state enforced system, has been a cause of great dispute and discord. One reason for this confusion is the suspicion and doubt surrounding Saudi Arabia's announcement of dates. Because of this the Muslim World League's al-Majma' al-Fiqh al-Islāmī decided to organise a conference to give attention to this issue which took place in Makkah 19-21 Rabī' al-Awwal 1433 (11-13 February 2012). In this conference 'Ulamā' from around the world and astronomers wrote pieces on multiple issues surrounding moonsighting. I also sent my paper some year and a half before. It took a while for the conference to fix a date until it finally took place on the dates I have mentioned.

Although there were papers surrounding very important issues on moonsighting, there were two fundamental topics which were of utmost importance.

1) What is the limit to the usage of astronomical calculations in determining the establishment of the moon?
2) What is the ruling of ikhtilaf al-maṭāli'? Meaning when is the sighting in one place considered for another location. A lot of discussion surrounded this issue with 'ulamā' from difference countries sharing their views.

With regard to the first issue, three views were presented at the conference:

First position: For a shar'ī moonsighting there is no considerations to astronomical calculations. Rather only moon sighted with the eyes will be accepted. This means that not only can we not determine the establishing of the moon via calculations, we cannot even negate a moonsighting based on these calculations. Therefore, if on a day calculations necessitate the impossibility of moonsighting, if it is claimed that the moon was sighted, they will be accepted. This was the position of the grand Muftī of Saudi Arabia Shaykh 'Abd al-'Azīz ibn Ṣāliḥ which he presented in the beginning of the conference.

Second position: Astronomical calculations are extremely accurate in determining the position of the moon, such that one cannot doubt it. Therefore, the moon should be determined solely on these calculations and any claims of sighting the moon when calculations have determined it impossible, should be rejected. This position was forwarded by a few 'ulamā' whose numbers were not great.

Third position: The establishing of the moon cannot be done solely on calculations. Rather, if the sighting of the moon is determined as impossible on a said day, for example

the moon set before the sun, then any claims of the moon being sighted would be rejected.

The majority of those who were present took this third position. I also personally argued for this position in my paper. Because this position opposed the grand Muftī's position as well as the practice of Saudi Arabia, there was a lengthy discussion surrounding it. Those that supported this position clarified that this did not mean that the moon was being established based on these calculations, rather it was a method to investigate those who claimed to have sighted the moon. The sighting of the moon would only be accepted when we can trust the witness. Just like we would not accept the sighting of a person who claimed to see the moon on the wrong side, likewise if calculations can determine that the moon set before the sun, the witness would not be accepted.

I cited 'Allāmah Taqī al-Dīn al-Subkī's lengthy discussion in my paper - he preferred this view as well. As for the general assumption that he was alone in holding this position and that he opposed the majority, 'Allāmah Subkī himself refuted this assumption. After the lengthy discussion, those present agreed on this.

As for ikhtilaf al-maṭāli', then three positions were presented in the conference:

First position: Based on the Shāfi'ī position in accordance with the fatwā of 'Abdullāh ibn 'Abbās where he did not consider the sighting of Shām as holding weight in Medina. Hence, every city should only consider their own sightings and any sighting in another city is not considered. This position was presented by the Majlis al-Qaḍā' al-'Alā's head and the Imām of the Ḥaram Ṣāliḥ ibn 'Abdullāh. They also added that because this is an issue in which a difference is valid, if the state decide to adopt the other position, it will be considered.

Second position: There is no consideration to ikhtilāf al-maṭāli'. Wherever in the world there has been a sighting, that is valid for the whole world. This is the preferred position in the Ḥanbalī and Mālikī madhhab, and also the original position in the Ḥanafī madhhab.

The advocates of this position even stated that Makkah should be made the world's centre and their sightings cosidered for the whole Muslim world. However I presented a practical objection on this, as it would necessitate that those countries which are to the East of Makkah would have to wait for the commencement of Ramadan and Eid on the announcement of Makkah. This would mean people in Australia and New Zealand would have to wait well into the night before being able to make a decision. They could not respond to this objection. In reality this position can only practicly be implemented if Makkah was to use calculations to determine the moon.

Third position: Whenever a sighting is done in the East and it is confirmed to any country to its West, the countries to its West can act upon it. This last position was considered the best by most of those present. Anyhow, this is the concluding text presented after much deliberation:

(The entire text has not been translated - just the main conclusions)

1) Lunar months begin and finish by sighting, whether it is with the naked eye or tools are used. If the moon is not sighted then the month has thirty days.
2) It is a congregational duty to seek out the moon every month, because other obligations are pending on this.
3) It is necessary that the one presenting a witness has the necessary qualities for their witness to be accepted. So their eyesight should be checked, at the time of the apparent sighting what the state of sighting was and other such factors should be considered so as to remove doubt from the sighting.
4) Astronomical calculation is a distinct science which has its own rules and principles. Some of its findings should be considered, such as the time when the sun and moon meet etc.
5) In Muslim minority countries, it is allowed for one area's sighting to suffice for the rest so their Ramadan and Eid are together.
6) In Muslim minority countries where for some reason sighting the moon is not possible, then they should follow the close Muslim countries, or the sighting of another country where Muslims live and have a system in place where news can be confirmed, such as an Islamic centre through which news is given.
7) The beginning of the lunar months is an Islamic issue as worship pends on it. Therefore, its responsibility returns to the 'ulamā' who have been chosen by institutions or people who represent an institution. The astronomer's job is to provide information on the birth of the moon, where it is and the ability to sight it throughout the world so they can help the Islamic institutions in making their decision.
8) Considering the benefits and providing ease, sharī'ah does not oppose new sciences and looks to take benefit from astronomical calculations. This is because the sharī'ah does not contradict scientific facts.
9) When an Islamic institution has declared the beginning of the month and the Muslim leader has accepted it, then further dispute, or casting doubt is not permitted. This is because this is an ijtihādī issue in which the leaders' decision is final.
10) It is encouraged for Muslim governments to set up moonsighting committees.

End of conference conclusions

This conference was attended by the heads of Saudi Arabia who would organise the moonsighting and its announcements. Other people from around the world were also present who organised moonsighting committees as well as astronomers. This allowed us to learn a lot about the Saudi method of determining sightings.

It is a reality that in the past there were moonsightings in Saudi Arabia when it was not sighted anywhere else in the world. This resulted in many doubting the Saudi announcements as it was believed that there were no real sightings and that they were really following the fixed 'Umm al-Qurā' calendar.

This is completely false, as the Umm al-Qurā calendar was prepared for businesses. The commencement of Ramadan or the Eids is not based on this. In this conference the Saudi Arabia moonsighting committee also presented a detailed report in which they cited a fatwā from the committee of senior scholars (1403 Hijri no.108) where they allowed the use of telescopes or other such tools for sighting. Based on this fatwā, Saudi Arabia established eight observatories. The moonsighting committee works with the experts of these observatories to determine the sighting of the moon and considerations of witnesses. These experts inform the placement of the moon, which helps in its sighting.

One representative of the observatories complained that sometimes we had determined that the moon had set alongside the sun or that the moon would only remain for two minutes on the horizon which would make sighting with a telescope impossible. Despite this there were sightings during these two minutes and those witnesses were accepted.

The actual reason for this problem was that sightings were accepted when it was determined as being impossible by astronomical calculations. Even though the supreme court's judge Shaykh 'Abd al-'Azīz ibn Ṣāliḥ (who is also one of the judges of the moonsighting committee) said that they had never received sightings during these instances when the astronomers had stated that the moon set before the sun. But it did become apparent that the moonsighting committee had accepted sightings when the moon was on the horizon even though it was very high or for such less a time when sighting would not have been possible. But because the judge accepted only visual sightings, he accepted those witnesses.

I also raised the objection where it is claimed that Saudi Arabia do not have sightings for every month, but rather only for specific months which are linked to Ramadan, the two Eids or Hajj. I asked if this claim is accurate then how can one rely on their announcement for Ramadan? How can we be certain the night sightings are being done and that it is actually the 29th of Sha'bān?

In response to this Qāḍī 'Abd al-'Azīz ibn Ṣāliḥ told the conference that they do in fact have sightings for every month and to claim that they only do so for specific months is incorrect. One of the court officers even showed me government documents where people are sent out for this and it was emphasised that on the 29th of each month moonsighting is carried out and that this was done throughout the year.

Anyhow, it was established that Saudi Arabia do not rely on a fixed calculated calendar and that they do in fact carry out sightings throughout the year. But it was also true that they accepted witnesses at times when it was consider not possible based on astronomical calculations.

This conference concluded that even in these instances witnesses should not be accepted. However, this was the Muslim World Leagues conclusion and as the general secretary of the League Shaykh ʻAbd al-Muḥsin al-Turkī said, the conclusions of the conference are not binding as law on any country. Therefore, it is not necessary for Saudi Arabia to follow this. It did seem however that it would be difficult for Saudi Arabia to continue with this position of theirs. Also it is hoped good will come from the independent committee set up by the League for this aim, God willing.

Here is the link for the full original Urdu article
http://www.deeneislam.com/ur/main.php?CID=2055